

REMARKS

Claims 1-58 are pending in the present application, with Claims 1, 38, 56, 57, and 58 being independent.

Claim Amendment

Claim 32 has been amended to correct a typographical error. It now states “The method of claim 31, wherein receiving the request for authorization further comprises receiving the request for authorization by the credit card authorization server via a credit card acquirer service of the vendor.” The correction is cosmetic only and not intended to alter the scope of the claim in any way. Accordingly, no new matter has been added.

Claim Rejections Under 35 U.S.C. § 112

In the Office Action, the examiner rejected Claims 1-58 under 35 U.S.C. § 112 as failing to comply with the written description requirement. Applicant respectfully traverses that rejection and requests reconsideration.

The examiner stated that the specification does not support the limitation of authorizing the transaction with the vendor for the customer without imposing as a prerequisite for the on-line transaction that the vendor must have entered a billing agreement with a billing service and that the customer must have registered with the billing service, as recited in independent claim 1, and similar limitations as recited in independent claims 38, 56, 57, and 58. The examiner stated that the sections cited in Applicant’s previous Response do not support this limitation.

With respect, the specification is replete with support for this limitation. The specification states explicitly that “[t]here is no need for special accommodation with the Internet vendor in order for the customer to take advantage of this instrument.” (Specification, p. 3, lines 9-11). In addition, the payment instrument “exists only for the duration of, and specifically for, [a] single transaction,” thus not requiring a prerequisite registration and billing agreement. (Specification, p. 7, lines 24-25). Moreover, the vendor can settle the transaction through normal channels, and “there is no actual sign-up necessary for the customer.” (Specification, p. 9, lines 15-20). Consequently, the specification clearly states that the invention requires no “special

“accommodation” or “actual sign-up,” and at no point does the specification hint that the invention allows for a prerequisite billing agreement or registration with a billing service.

As stated in the MPEP, “[t]he subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement.” (See MPEP § 2163.02). Hence, as the above argument shows, “the specification conveys with reasonable clarity to those skilled in the art” that Applicant was in possession of the invention as claimed. (See MPEP § 2163.02 (citing *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563-64 (Fed. Cir. 1991)). The examiner has failed to establish that the specification does not support independent claims 1, 38, 56, 57, and 58 and the remaining claims that depend from those independent claims.

It is noted with appreciation that the examiner did not find the present invention anticipated or obvious in view of the prior art. Accordingly, Applicant submits that claims 1-58 are in condition for immediate allowance.

Summary

Thus, Applicant submits that independent Claims 1, 38, 56, 57, and 58 are patentable. Additionally, the remaining claims depend from one of the independent claims either directly or indirectly and are submitted to be patentable for similar reasons. Applicant requests separate and individual consideration of each dependent claim. Applicant has not acquiesced to any rejection and reserves the right to address the patentability of any additional claim features in the future.

Corrected 1449 Form

The courtesies extended by the Examiner in the telephone conference of February 4, 2008 regarding the 1449 form filed on May 9, 2007 in this application are appreciated. In follow-up of the conference, in order to assure consideration of the references identified therein, the undersigned confirms that the correct serial number for the 1449 form filed on May 9, 2007 is 09/641,896. Attached hereto is a corrected 1449 form reflecting the correct serial number.

CONCLUSION

Applicant submits the foregoing as a full and complete response to the Office Action dated November 9, 2007. Applicant submits that this Response places the application in condition for allowance and respectfully requests such action. Applicant submits that the amendment made herein and the remarks provided above do not present any new issues for review by the examiner. If any issues exist that can be resolved with an examiner's Amendment or a telephone conference, please contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

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